

## Declaration for Patent Application

Docket Number: 1875.4850000

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: **System, Method, And Computer Program Product For Utilizing Proprietary Communication Parameters To Improve Channel Efficiency In A DOCSIS-Compliant Broadband Communication System**,

the specification of which is attached hereto unless the following box is checked:

? was filed on \_\_\_\_\_;  
as United States Application Number or PCT International Application Number \_\_\_\_\_; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority  
Claimed

\_\_\_\_\_  
(Application No.)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

? Yes    ? No

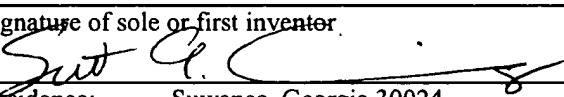
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Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|                                      |   |
|--------------------------------------|---|
| Full name of sole or first inventor: | Scott A. CUMMINGS   |
| Signature of sole or first inventor  | Date<br> October 7, 2003 |
| Residence:                           | Suwanee, Georgia 30024  |
| Citizenship:                         | United States   |
| Mailing Address:                     | 385 Deerwood Drive, Suwanee, Georgia 30024  |
|                                      |   |
| Full name of second inventor         |   |
| Signature of second inventor         | Date  |
| Residence                            |   |
| Citizenship                          |   |
| Mailing Address                      |   |
|                                      |   |
| Full name of third inventor          |   |
| Signature of third inventor          | Date  |
| Residence                            |   |
| Citizenship                          |   |
| Mailing Address                      |   |
|                                      |   |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Scott A. CUMMINGS

Appl. No. To Be Assigned

Filed: Herewith

For: **System, Method, And Computer  
Program Product For Utilizing  
Proprietary Communication Parameters  
To Improve Channel Efficiency In A  
DOCSIS-Compliant Broadband  
Communication System**

Confirmation No. To Be Assigned

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 1875.4850000

**Authorization To Treat A Reply As Incorporating An Extension Of  
Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 10/10/03  
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